



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kenji Maruyama et al

Serial No.: 09/960,296

Group Art Unit: 2813

Filed: September 24, 2001

Examiner: Craig Thompson

For: SEMICONDUCTOR DEVICE AND METHOD FOR FABRICATING SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

February 13, 2002

Sir:

This is in response to the Office Action of January 24, 2002, requiring restriction between two alleged inventions under the provisions of 35 USC § 121.

In the Action, the examiner has made a restriction requirement between the inventions of **Group I** drawn to device (claims 1-16); and **Group II** drawn to process (claims 17-19).

Applicants hereby provisionally elect **Group I, that is, claims 1-16** for examination on the merits in this application. Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected claims.

Favorable consideration of the subject application is respectfully requested.

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In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this response.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



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